

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

ROBERT LUM, ) CIVIL NO. 07-00589 SOM/LEK  
 ) CRIM No. 03-00560(1) SOM  
Petitioner, )  
vs. ) ORDER DENYING PLAINTIFF'S  
UNITED STATES OF AMERICA, ) APPLICATION TO PROCEED  
Respondent. ) WITHOUT PREPAYMENT OF FEES AS  
 ) UNNECESSARY GIVEN THE ABSENCE  
 ) OF FEES

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ORDER DENYING PLAINTIFF'S APPLICATION TO PROCEED WITHOUT  
PREPAYMENT OF FEES AS UNNECESSARY GIVEN THE ABSENCE OF FEES

On December 4, 2007, Plaintiff Robert Lum, who is currently imprisoned at the Federal Correctional Institution at Sheridan, Oregon ("FCI Sheridan"), filed a Motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. Concurrent with the filing of the Motion, Lum filed an Application to Proceed Without Prepayment of Fees ("IFP Application").

Having reviewed the information provided by Lum, the court finds that he has established that he is a pauper. In his affidavit, Lum states that he is currently employed by FCI Sheridan, and from his attached account statement, it appears that his monthly salary is approximately \$25.00. FCI Sheridan has further certified that Lum currently has \$0.23 on account, and that his average daily balance during the past six months has been \$30.55. However, as a § 2255 petition does not require payment of any fee, Lum's financial status is not presently material to his petition. Accordingly, the court denies Lum's

IFP Application without prejudice to reconsideration if Lum incurs court costs.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, December 7, 2007.



/s/ Susan Oki Mollway  
Susan Oki Mollway  
United States District Judge

**Lum v. United States, Civ. No. 07-00589 SOM/LEK; ORDER DENYING PLAINTIFF'S APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES AS UNNECESSARY GIVEN THE ABSENCE OF FEES.**